

**BOARD OF ISLAND COUNTY COMMISSIONERS MINUTES OF MEETING  
MARCH 24, 2014 – REGULAR SESSION**

The Board of Island County Commissioners (including Diking Improvement District #4) met in Regular Session on March 24, 2014 beginning at 6:00 p.m. in the Board of County Commissioners Hearing Room (Room # 102B), Annex Building, 1 N.E. 6<sup>th</sup> Street, Coupeville, Washington. Jill Johnson, Chair and Helen Price Johnson, Member were present. Kelly Emerson, Member, attended via Polycom from her office on Camano. The meeting began with the Pledge of Allegiance.

*Note: To view the video recording of this meeting, go to the County's [website](#) or directly to [the video](#). If you are interested only in a specific topic, click on the timestamp located on [the agenda](#) for that particular issue to hear the discussion.*

*(The Elected Officials and Appointed Department Heads Roundtable meeting typically scheduled for 11:00 a.m. on the fourth Monday of each month, was cancelled for March.)*

**ITEMS ADDED TO THE REGULAR AGENDA:**

- Item #36 Job Requisition 026/14 – Payroll Accountant
- Item #37 Resolution C-34-14 Waiver of Competitive Solicitation for Procurement of Crossmatch Fingerprint Scan System
- Item #38 Sheriff Purchase Order 8387 for Crossmatch Fingerprint Scan System
- Item #39 Juvenile Court Purchase Order 9913 for Crossmatch Fingerprint Scan System
- Item #40 WEAN v. WWGMHB et al., Thursday County Cause No. 06-2-02026-7: Staff Recommendation

**PUBLIC INPUT OR COMMENTS**

*[Documents on file with the Clerk of the Board]*

No public comments were offered.

**CONSENT AGENDA**

*[Documents on file with the Clerk of the Board]*

Pre-audited bills:	\$346,363.20
Vouchers:	\$443,346.95
Electronic funds transfers:	\$186,845.04
Payroll:	\$539,811.44
Minutes:	Work Session: 2/12/14
	Regular Sessions: 2/24/14 and 03/03/14

**Budget**

Interlocal Agreement with the Port District of Coupeville. This agreement funded by Rural County Economic Development Funds provides funding for Fuel Float Replacements at the Coupeville Wharf – Phase 3. Amount \$70,000 (RM-BUD-2014-7)

**Emergency Management**

- Agreement – Tetra-Tech; Multi-Jurisdictional Hazard Mitigation Plan; Expiration July 31, 2015; HMPG Grant E13-021. Amount: \$131,219 (RM-PW-2014-2) (PW-1320-164)

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- Purchase Order 10251 – JPS Communications –Raytheon; ACU-1000 Equipment Radio Bundle for Increased Ability for Multiple Emergency Response; State Contracts WSCA No. 02702 and SHSP No. E12-186. Amount: \$39,193.20 (incl. WSST) (RM-DEM 2014-54) (PW-1420-038)

Facilities and Maintenance

Maintenance Agreement Addendum C with ThyssenKrupp Elevator. This amendment changes the scope of work due to new state code changes for elevator maintenance and increases the monthly payment by \$293.88 plus tax per month effective March 1, 2014. Amount \$13,416.80 (incl WWST) (RM-FAC-2014-59)

GSA – Animal Control

- Amendment No. 7 to Camano Animal Shelter Association Animal Shelter Contract. This amendment allows the County to pay for services on a monthly basis of \$2,294.65 per month, effective January 1, 2014. Amount \$27,535.80 annually (RM-GSA-2014-25)
- Amendment No. 7 to Whidbey Animal's Improvement Foundation Animal Shelter Contract. This amendment allows the County to pay for services on a monthly basis of \$4,364.42 per month, effective January 1, 2014. Amount \$52,373.04 annually (RM-GSA-2014-26)
- Amendment No. 9 to Whidbey Island Animal Control, Inc. Animal Control Contract. This amendment allows the County to pay for services on a monthly basis of \$5,686.63 per month, effective January 1, 2014. Amount \$68,239.56 annually (RM-GSA-2014-27)

Human Services

- Contract with Opportunity Council to provide rental assistance and supportive services from January 1, 2014 to December 31, 2014. Contract No. HS-03-14; Amount: \$114,500 (RM-HS-2014-58)
- Contract with South Whidbey School District to provide housing referral assistance and supportive services from January 1, 2014 to December 31, 2014. Contract No. HS-04-14; Amount: \$19,500 (RM-HS-2014-55)

Planning & Community Development

- Schedule Public Hearing: Resolution C-26-14 (PLG-004-14) Establishing the GA-4 Water System Service Area and Incorporating the Service Area Boundary into the Island County Coordinated Water System Plan. WSR 150/13 – Applicant Chappel Construction is proposing to establish a new Group B water system on Camano Island. The proposed water system consists of thirteen parcels which are currently in the Point Allen Water Association's service area boundary. Date and time: April 7, 2014 at 10:15 a.m.
- Schedule Public Hearing: Resolution C-27-14 (PLG-003-14) Establishing Val's Water System Service Area and Incorporating the Service Area Boundary into the Island County Coordinated Water System Plan. WSR 151/13 - Applicant Chappell Construction is proposing to establish a new Group B water system on Camano Island. The proposed water system consists of six parcels which are currently in the Point Allen Water Association's service area boundary. Date and time: April 7, 2014 at 10:15 a.m.

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Public Health

- Contract Amendment 12 with WA State Department of Health – Consolidated Contract. Amendment provides additional funding to Public Health Programs: On-Site Septic Systems, Maternal and Child Health Block, Drinking Water, Office of Immunization and Child Profile, Quality Improvement and SNAP Education. Contract No. C16886; Amount: \$181,093 (RM-HLTH-2014-68)
- Contract Amendment 1 with Official Payments Corporation (OPC). The agreement to conduct electronic transactions and payment on-line is amended to replace Exhibit A (Electronic Check Fee Schedule) and Exhibit B (Credit/Debit Card Fee schedule) as well as update OPC's notice addresses. Amount: -0- (RM-HLTH-2013-498)

Public Works – County Roads

- Bid Award- Multi-year Traffic Control Signs; Award to Zumar Industries, Inc. Amount: \$70,466.68
- County Road Administration Board Annual Reports (CRAB) – Traffic Law Enforcement Certification 2013; Fish Passage Barrier Removal Certification 2013; Annual Certification 2013
- Resolution C-28-14 (R-11-14) Surplus of County Property- 1994 Chevrolet Pickup Equip No. 105; 1987 Ford Pickup Equip No. 131; 1996 Ford Pickup Equip No. 138; 1979 Chevrolet Pick Equip No. 316
- Purchase Order No. 9594 – Columbia Ford/Nissan; Four (4) Ford F550 4WD Cab and Chassis Pickups; State Contract No. 03813. Amount: \$148,422.98 (incl. WSST) (RM-PW-2014-51) (PW-1420-034)
- Resolution C-29-14 (R-12-14) Surplus of County Property – 1996 Ford Pickup Equip No. 1; 1992 Dodge Pickup Equip No. 8; 1995 Ford Pickup Equip No. 54; and 1999 Ford Pickup Equip No. 55
- Purchase Order 9593 – Legacy Ford; Four (4) Ford F250 4WD Crew Cab ¾ Ton Pickups with Options; State Contract No. 03813. Amount: \$116,458.30 (incl. WSST) (RM-PW-2014-52) (PW-1420-035)
- Purchase Order 9595 – Northend Truck Equipment, Inc.; Four (4) 2/3 Yard Dump Body and One (1) Reversible Steel Plow; State Contract No. 12304; Amount: \$69,067.60 (Incl. WSST) (RM-PW-2014-50) (PW-1420-033)
- Purchase Order 9596 – Concrete Nor'west; Crush Rock Supplies for 3-year period, 2014-2016. Amount: \$300,000 (RM-PW-2014-35) (PW-1420-018)
- Purchase Order 9597 – Granite Construction Company; Crushed Rock Supplies for 3-year period, 2014-2016. Amount: \$300,000 (RM-PW-2014-36) (WP-1420-019)
- Purchase Order 9598 – Green Crow Rock Products; Crushed Rock Supplies for 3-year period, 2014-2016. Amount: \$300,000 (RM-PW-2014-37) (PW-1420-020)
- Purchase Order 9599 – Krieg Construction, Co.; Crushed Rock Supplies for 3-year period, 2014-2016; \$300,000 (RM-PW-2014-38) (PW-1420-021)
- Contract Extension No 1 – Lakeside Industries; Concrete Asphalt Contract; Time Extension from May 1, 2014-April 30, 2015 (RM-PW-2014-46) (PW-1420-032)
- Contract Extension No. 2 – McAsphalt Industries, Ltd; Liquid Asphalt Contract; Time Extension from May 1, 2014-April 30, 2015 (RM-PW-2014-43) (PW-1420-029)

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- Interlocal Reimbursable Agreement – Town of Coupeville; Preparation and Paving Parker Rd/9th St., So. Main St., Broadway St. Amount: \$97,675.37 (Coupeville) (RM-PW-2014-66) (PW-1420-039)

Sheriff

- Resolution C-30-14 Sale or Disposal of County Surplus Property, Five (5) Vehicles
- Resolution C-31-14 Establishing the Boating Safety Program Fund. RCW 88.02.650 requires that jurisdictions receiving funds under this section shall deposit the funds into an account dedicated solely for supporting the jurisdiction's boating safety program.
- Purchase Order 9904 – Northsound Auto Group dba Dwayne Lanes for purchase of two (2) patrol vehicles to provide local law enforcement services within the Town of Coupeville. State Contract No. 03713 – Police Vehicles; Amount: \$53,155.68 (RM-SHER-2014-62)

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to approve the Consent Agenda as presented, second by Commissioner Emerson. Motion carried 3-0**

REGULAR AGENDA

*[Documents on file with the Clerk of the Board]*

Commissioners

Recommendation of Appointment to the Conservation Futures Technical Advisory Group, Position No. 3

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to appoint Fran Einterz to the Conservation Futures Technical Advisory Group, Position No. 3, second by Commissioner Emerson. Motion carried 3-0**

Resolution C-32-14 Proclaiming April 6-12, 2014 as National Volunteer Week in Island County

**ACTION TAKEN:**

**Motion by Commissioner Emerson to adopt Resolution C-32-14 Proclaiming April 6-12, 2014 as National Volunteer Week in Island County, second by Commissioner Price Johnson. Motion carried 3-0 (*Specific outreach by letter to those who serve on county volunteer committees will also occur this week by Board members.*)**

Resolution C-33-14 Proclaiming March 2014 as American Red Cross Month

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to adopt the *amended* version of Resolution C-33-14 Proclaiming March 2014 as American Red Cross Month (*a small edit to adjust for the Red Cross activities in Island County*), second by Commissioner Emerson. Motion carried 3-0**

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Human Resources

*ADDED TO THE REGULAR AGENDA*

Job Requisition 026/14 – Payroll Accountant

Melanie Bacon, Human Resources Director, explained the need to move forward with the requested job requisition without delay.

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to approve Job Requisition 026/14, second by Commissioner Emerson. Motion carried 3-0**

Sheriff/Juvenile Court Services

*ADDED TO THE REGULAR AGENDA*

Resolution C-34-14 Waiver of Competitive Solicitation for Procurement of Crossmatch Fingerprint Scan System

De Dennis, Jail Administrator, provided the staff report. He added that the Washington State Patrol is offering two \$2,000 grants that would help offset the funding needed to purchase the systems. Both the Jail and Juvenile Court Services will apply for those grants.

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to adopt Resolution C-34-14 Waiver of Competitive Solicitation for Procurement of Crossmatch Fingerprint Scan System, second by Commissioner Emerson. Motion carried 3-0**

*ADDED TO THE REGULAR AGENDA*

Sheriff Purchase Order 8387 for Crossmatch Fingerprint Scan System. Amount: \$24,237.93

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to approve Purchase Order 8387 in the amount of \$24,237.93 for purchase of the Crossmatch Fingerprint Scan System, second by Commissioner Emerson. Motion carried 3-0**

*ADDED TO THE REGULAR AGENDA*

Juvenile Court Purchase Order 9913 for Crossmatch Fingerprint Scan System. Amount: \$24,237.93

**ACTION TAKEN:**

**Motion by Commissioner Price Johnson to approve Purchase Order 9913 in the amount of \$24,237.93 for purchase of the Crossmatch Fingerprint Scan System, second by Commissioner Emerson. Motion carried 3-0**

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Planning and Community Development

ADDED TO THE REGULAR AGENDA

WEAN v. WWGMHB et al, Thurston County Cause No. 06-2-02026-7: Staff Recommendation

David Wechner, Planning and Community Development Director and Keith Higman, Public Health and Natural Resources Director, provided the staff recommendation as to whether to appeal the recent Thurston County Court ruling. He explained that the Thurston County Judge ruled the County's 2005 Agricultural Best Management Practices Program (Ag BMP) and the County's 2005 Water Quality and Adaptive Management Program violated the Growth Management Act. The ordinances were a part of the County's program to protect "Critical Areas" and preserve agriculture. While staff disagrees with Thurston County's court ruling, they see no advantage in appealing the decision because:

- If the County appeals, there would not be a final decision before 2015, or possibly later.
- Even if the Court of Appeals were to uphold the County's ordinances, the 10-year-old Ag BMP and Adaptive Management Program Ordinances would have to be reviewed by the June, 2016 mandatory update deadline.
- Current data and science are required to be considered in conducting the mandatory review and update.
- Since a review that would incorporate new science and data is inevitable, regardless of which way an appeal might go, it is a better use of tax dollars to include these ordinances in the review process now, rather than spend time and money on continuing legal battles. The County could win an appeal lawsuit, and would still have to revise the ordinances by June, 2016.

As to the current situation:

- Regulations controlling agriculture that have continuously been in effect since 2000 would remain in effect and those protections for critical areas would also remain in effect.
- That review process of the Comprehensive Plan has already begun, and much of the information the Adaptive Management Program required has been collected since 2008.
- Staff is confident that a review based on new data, with all stakeholders involved, will result in preserving Island County's agriculture and environmental protection.

Mr. Wechner believes the County can build on all of the good work that was done developing the 2005 ordinances. He recommends the lessons learned be incorporated into the Comprehensive Plan update of 2016 and suggested requesting from the Growth Management Hearings Board that the County's response to this case be included in the overall Comprehensive Plan effort.

Mr. Higman added that this issue has been ongoing since 1998, with the original lawsuit filed against a decision of Island County to protect critical areas from agricultural activity. The lawsuit is yet to be resolved and it is now 2014. He said timing is very much an issue. The 2005

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ordinance the Board would be defending is one where the court would determine if in 2005, the Growth Management Hearings Board made the right decision. Because not taken into account would be the last nine years of work, best available science, and the collection of water quality data now on hand, he concurs with Mr. Wechner's recommendation to allow this to be part of the 2016 update.

Board comments in response:

Commissioner Emerson:

*As the one who advocated in favor of the Voluntary Stewardship Plan, which would have provided a stop gap measure on this issue, I am deeply saddened that we are still spending resources for this matter. Nevertheless, it does seem illogical to continue to use these precious resources to defend an ordinance based on over 10-year-old science that would have to be updated almost immediately anyway. It seems like there would be very little gain by a win and considering you can never predict how a judge will rule and an appeal would put us at a precedent setting level, cases like this should be a warning to the voters to do your homework. We in Washington State have the opportunity to vote for our Judges; this Judge was in Thurston County so we did not have that opportunity, but we do have that opportunity with our county and at the state level. I just would encourage voters to really do their homework, don't just vote for someone because you like the way they smile or you got along well with their dad, you really need to do your homework on these people that you are putting into elected positions. I'm looking forward to joining with my colleague Helen Price Johnson at the Association of Counties level to advocate for a legislative change and hopefully, see an opportunity in the not-so-distant future that we can opt in to that Voluntary Stewardship Plan.*

Commissioner Price Johnson:

*I think the Voluntary Stewardship Plan is still very much in flux given the state's inability to fund it adequately. Even those counties I understand that have opted in would still be required to do a comp plan update even if it isn't funded by July 2015. I do think that this is a statewide issue around agriculture. I want to be clear my priority is to preserve and enhance agriculture in our county, retain the open space and rural character that it brings, and encourage the local food industry and all the benefits that come from that. I do agree with staff and support their recommendation to integrate this into an update of our comprehensive plan. I think it's time to put a stop to this long protracted court battle that's prevented the county from moving forward, costing taxpayers precious dollars and has brought no benefit to either the agricultural community or environmental protection. I do not agree with the Thurston County ruling but I do think that reviewing the new data and the science advancements seen since 2005 is a better use of our scant resources, and to include the ordinance in our comp plan update process so that they can be integrated into the rest of the plan. I feel confident that a comp plan process, based on this new data, with stakeholders at the table, will result in improved agricultural preservation and environmental protection so I can support the recommendation.*

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Commissioner Johnson:

*I would also support your recommendation. What is most important to me is that by utilizing the GMA process, we are able to preserve the foundational elements of the 2005 critical areas ordinance and build upon all the good work. And I would agree with and argue the defensible work done by the community at that time, as well as capitalize on the updated science and local water quality monitoring information that the county has acquired over the last 9 years. This update is work that we would have to do anyway regardless of the outcome of the legal process as you have stated, and is a much wiser use of our tax dollars to include this in our review process then to spend money on a continuing legal battle as Commissioner Price Johnson has stated. I think this in no way implies that the work previously done by the community is without merit or was faulty. The County has significant investment in this document. I want to be clear that at the time the decision was made to appeal, I would have made the same decision. But the timing has changed and we are able to take advantage of this growth management process to get a better ordinance for our community. I think that this will come together, that we will get something better in the end for agriculture, the environmental community, and our community as a whole. I support your recommendation. I believe it is the best course of action for our County.*

PUBLIC HEARINGS

*[Documents on file with the Clerk of the Board]*

None scheduled

COMMISSIONERS COMMENTS AND ANNOUNCEMENTS

Board members provided their respective comments and announcements.

ACTION TAKEN:

**Motion by Commissioner Price Johnson to adjourn Regular Session, second by Commissioner Johnson. Motion carried 3-0**

There being no further business to come before the Board the meeting adjourned at 10:40 a.m. The Board will meet next in Regular Session on April 7, 2014 beginning at 10:00 a.m.

BOARD OF COUNTY COMMISSIONERS  
ISLAND COUNTY, WASHINGTON

\_\_\_\_\_  
Jill Johnson, Chair

ATTEST:

\_\_\_\_\_  
Kelly Emerson, Member

\_\_\_\_\_  
Debbie Thompson  
Clerk of the Board

\_\_\_\_\_  
Helen Price Johnson, Member